

County Council Of Howard County, Maryland

2011 Legislative Session

Legislative Day No. 5

Resolution No. 89 -2011

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION adopting fees for certain functions performed by the Department of Fire and Rescue Services including fees for conducting certain inspections and providing technical assistance such as plan review.

Introduced and read first time May 2, 2011.

By order Stephen M. LeGendre
Stephen LeGendre, Administrator

Read for a second time at a public hearing on May 16, 2011.

By order Stephen M. LeGendre
Stephen LeGendre, Administrator

This Resolution was read the third time and was Adopted ☒, Adopted with amendments ☐, Failed ☐, Withdrawn ☐, by the County Council on May 25, 2011.

Certified By Stephen M. LeGendre
Stephen LeGendre, Administrator

Approved by the County Executive May 26, 2011

Ken Ulman
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 **WHEREAS**, Section 6-206(b) of the Public Safety Article of the Annotated Code of
2 Maryland authorizes the State Fire Prevention Commission to adopt fees for reviewing building
3 plans and conducting inspections; and
4

5 **WHEREAS**, Sections 9-701 and 9-702 of the Public Safety Article of the Annotated
6 Code of Maryland authorize a local governing body to adopt a fire prevention code and to
7 establish and administer a fee schedule for conducting inspections and plan review; and
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9 **WHEREAS**, Howard County has adopted a fire prevention code, as codified in Title 17,
10 Subtitle 1 of the Howard County Code, which authorizes the adoption of fees; and
11

12 **WHEREAS**, the Code of Maryland Regulations at Chapter 29.06.04 (the "State
13 Regulations") provides that the State's Fire Prevention Commission's Fees for Fire Prevention
14 Services can be used, amended, or referenced by a County that chooses to establish its own fee
15 schedule; and
16

17 **WHEREAS**, pursuant to the State Regulations, the County Executive wishes to adopt a
18 fee schedule for fire safety inspections, as provided in the attached Exhibit A; and
19

20 **WHEREAS**, pursuant to the State Regulations, the County used, amended, and
21 referenced the State Fire Prevention Commission's Fees for Fire Prevention Services in
22 preparing the attached fee schedule.
23

24 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
25 Maryland this 25th day of May, 2011 that, pursuant to State Regulations that allow
26 local jurisdictions to use, amend, or reference the State's Fire Prevention Commission's Fees for
27 Fire Prevention Services, it adopts the attached fee schedule, as attached to this Resolution as
28 Exhibit A, for fire safety inspections conducted by Howard County.
29

30 **BE IT FURTHER RESOLVED** that the fee schedule shall be effective July 1, 2011 and
31 shall continue in effect until changed or repealed by subsequent resolution.

I Fees for Fire Safety Inspections

- A. This fee schedule has been adopted by County Council Resolution No. ____-2011 pursuant to the authority set forth in Title 17, Subtitle 1 of the Howard County Code and the State of Maryland Fire Prevention Code (C.O.M.A.R. Title 29, Subtitle 06, Chapter 4).
- B. This schedule will be used to calculate the fee to be paid for a fire safety inspection conducted by the Howard County Department of Fire and Rescue Services. Specific testing of certain specialized fire protection systems and equipment may be required by qualified maintenance personnel or a contractor at the owner's expense.
- C. The following fees will be applied upon the occupancy classification for the building as defined and classified by the National Fire Protection Association (NFPA) 101 Life Safety Code. In the case of mixed occupancies when it is impractical to distinguish the individual occupancy classifications, the occupancy classification is based on the predominant use and occupancy of the building structure.
- 1) **Assembly Occupancies**

a) 1,001 or more individuals	\$300.00
b) 301 to 1,000 individuals	\$200.00
c) 50 to 300 individuals	\$100.00
d) Fairgrounds for properties with:	
i) Nine buildings or less	\$200.00
ii) Ten buildings or more	\$400.00
 - 2) **Educational Occupancy**

a) Elementary schools (includes kindergarten and pre-kindergarten facilities)	\$100.00
b) Middle or Junior High Schools	\$150.00
c) Senior High Schools	\$150.00
d) Family or Group Daycare Homes	
i) Initial Inspection	\$75.00
ii) Renewal Inspection	\$50.00
e) Nursery or Daycare Centers	\$100.00
 - 3) **Health Care Occupancy**

a) Ambulatory Health Care Centers	\$150.00 (Per 3,000 sq. ft. or fraction of 3,000 sq. ft.)
b) Hospitals, Nursing Homes and limited care facilities	\$100.00 per bldg., plus \$2.00 per bed
 - 4) **Detention and Correctional Occupancy**

	\$100.00 per bldg., plus \$2.00 per rated bed
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 - 5) **Residential Occupancy**

a) Hotel and Motel	\$75.00 per bldg., plus \$2.00 per guest room/suite
b) Dormitory	\$75.00 per bldg., plus \$2.00 per bed
c) Apartment	\$75.00 per bldg., plus \$2.00 per apartment
d) Lodging or Rooming House	\$75.00 per bldg., plus \$2.00 per bed
e) One & Two Family Dwelling	\$75.00
Including alternative living units and Foster Care	
f) Board & Care Homes	\$100.00 per bldg., plus \$2.00 per bed
 - 6) **Mercantile Occupancy**

a) Class A – over 30,000 sq. feet	\$150.00
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- b) Class B – 3, 000 to 30,000 sq. feet \$100.00
- c) Class C – less than 3,000 sq. feet \$75.00
- 7) **Business Occupancy**
Per 3,000 sq. feet or fraction of 3,000 sq. feet \$75.00
- 8) **Industrial or Storage Occupancy**
 - a) Low or Ordinary Hazard \$75.00 (Per 5,000 sq. feet or fraction of 5,000)
 - b) High Hazard \$100.00 (Per 5,000 sq. feet or fraction of 5,000)
- 9) **Manufactured Home Site and Communities** \$75.00 per facility, plus \$2.00 per site
- 10) **Campgrounds**
 - a) Vehicular \$75.00 per facility, plus \$2.00 per campsite
 - b) With Sleeping Accommodations \$150.00 per facility, plus \$2.00 per bed
 - c) Without Sleeping Accommodations \$75.00 per facility
- 11) **Outside storage of combustible materials** \$50.00 (Per acre or fraction of an acre)
(Ex: scrap tire, lumber, mulch, tree stumps, etc.)
- 12) **Outside storage of flammable or combustible liquids/gases** \$100.00 (Per 5,000 sq. feet or fraction of 5,000 sq. feet)
(Ex: drums or tanks)
- 13) **Marinas and Piers** \$100.00, plus \$1.00 per slip
- D. A re-inspection fee of \$150.00 applies if more than one inspection is required to correct a previously identified fire code violation.

II Fees for Technical Assistance, Unclassified Inspections, and Special Events

- A. The fee schedule below shall be used to calculate the fee for Howard County Department of Fire and Rescue Services to provide technical assistance or unclassified inspections, to include special events, in the form of plan review or on-site inspections.
- B. A separate technical assistance fee shall be charged at the following rate and prorated to the nearest ½ hour:
 - 1) Deputy Fire Marshal or Fire Safety Inspector \$75.00 per hour
 - 2) Fire Protection Engineer \$100.00 per hour
- C. Travel time to and from a meeting or inspection site shall be included when computing the fee.
- D. When requested, a reasonable time to prepare written reports or research subsequent code related issues shall be included when computing fees.
- E. The fee shall be charged to the person officially requesting assistance and shall be payable upon receipt of an itemized invoice submitted in accordance with administrative procedures established by fire authorities.
- F. Failure to pay the fee within the required time shall result in appropriate administrative or legal action. Further plan review or inspection action may not take place until the fee is paid in full. This may result in a delay of the issuance of a building permit, or use and occupancy permit for the building or facility.

III Fee Payment for Fire Safety Inspections

- A. Fees for fire safety inspections are payable upon receipt of an invoice from the Howard County Department of Finance upon completion of the inspection. Failure to pay this fee within the specified time may result in:
 - a) Administrative or legal action;
 - b) No further inspection activity;
 - c) Denial of the issuance or renewal of a permit or license held by the facility being inspected;
 - d) Violation of Public Safety Article 6-601, 6-317, 9-109, 9-206, 9-905, Annotated Code of Maryland.
- B. The fire safety inspection fee may not be charged if the inspection is conducted in response to a specific complaint regarding an alleged violation of the Howard County Fire Prevention Code.
- C. Payment Method
 - a) Fee payments shall be in the form of a check or money order payable to the Howard County Director of Finance.
 - b) Cash payment is not acceptable.

IV Disposition of Fees

- A. Fees collected by the Howard County Department of Finance for inspections shall be deposited in the fire tax fund of the Howard County Department of Fire and Rescue Services.
- B. Fees shall be collected and processed in accordance with fiscal procedures established by the Howard County Department of Finance for the collection, disbursement, and accounting of funds.